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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/361,548	07/27/1999	DAVID H. MCMURTRY	SA9-99-032	5659

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EXAMINER

KOYAMA, KUMIKO C

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/361,548

Applicant(s)

MCMURTRY ET AL.

Examiner

Kumiko C. Koyama

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it includes more than 150 words.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-5, 9, 15-16, 18 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Allais (US 4,794,239).

Allais teaches a bar code symbology comprising a plurality of ordered rows of bar coded information, which serves as machine-readable codes. The bar coded information in each of the plurality of rows consists of an array of code words, which serves as ordered characters. Allais discloses that each code word representing at least one information-bearing character and being selectable in even or odd parity form, which teaches that first one of the array codes encodes a first one of the order characters and a second one of the array codes encodes a second one of the order characters and third one of the array codes encodes a third one of the order characters. Allais also discloses that at least one of the plurality of characters in each row bearing information regarding the remainder of the characters in that row, which serves as unique

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characters are divided among and encoded by the array codes following the one of the ordered characters (col 5, lines 22-38). Allais discloses that the bar code is attached to a body/object and teaches a group of words to identify the object, serving as a serial number (col 1, lines 10-24). Allais also shows a two-dimensional array codes as shown in Fig. 2B.

Re claim 5: The array of codes are arranged in a row/horizontal manner, where each row is stacked together along with vertical axis (Fig. 7C).

Re claim 16 and 22: Allais teaches that bar code is generally read by optical techniques, such as scanning laser beams or handheld wands (col 1, lines 21-23).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3, 10, 17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allais in view of Kosarew (US 5,619,416). The teachings of Allais have been discussed above.

Allais fails to teach that the serial number is located on the body in human-readable form.

Kosarew teaches a tag having a serial number in a human readable form and a machine-readable form (col 3, lines 9-20, Fig 2).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Kosarew to the teachings of Allais in order

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to provide a serial number that is human recognizable so that the user can easily identify the code in a fast manner without the use of the reader.

6. Claims 6, 12, 19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allais in view of Goldfield et al (US 4,978,917). The teachings of Allais have been discussed above.

Allais fails to teach that the codes are laser etched on the body.

Goldenfield teaches etching a barcode with laser (col 4, lines 19-23).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Goldenfield to the teachings of Allais in order to permanently attach the label to the product which avoids the code and the product to be separated and avoids corruption or damage to the code because no ink is used to be smeared.

7. Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allais in view of Sant' Anselmo et al (US 4,924,078). The teachings of Allais have been discussed above.

Allais fails to teach each of the array codes comprises a 10X10 array of cells.

Sant' Anselmo teaches a 10X10 array of cells (Fig 1).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Sant' Anselmo to the teachings of Allais in order to increase the information density, which increases the amount of stored information that may lead to increase in security and identification methods.

8. Claims 14, 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allais. The teachings of Allais have been discussed above.

Allais fails to specifically teach providing three codes, each encoding three nonsequential characters of the serial number.

However, Allais teaches plurality of codes and some of the codes being non-related to the other.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Allais and provide three codes each being nonsequential character of the serial number in order to increase security of the decoding of the bar code symbol as well as to increase the amount of information stored in the bar code symbol.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kost, U.S. Patent No. 5,554,841, discloses an article marker and decoding method.

Torrey, U.S. Patent No. 3,636,317, discloses a machine readable code track.

Pavlidis et al., U.S. Patent No. 5,304,786, discloses a high density two-dimensional bar code symbol.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 703-305-5425. The examiner can normally be reached on Monday-Friday 7am-3:30pm.

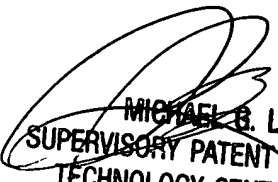
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Kumiko C. Koyama

Kumiko C. Koyama
August 25, 2003


MICHAEL B. LEE
SUPERVISORY PATENT EXAMINER
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